

FEB 20 2007

PTO/SE/B1 (08-04)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
2002P04668WOUS

First named inventor: MAGALIE HAGUET

Art Unit: 2121

Application Number: 10/508,922

Examiner: ROLAND E. WILLIAMS, JR.

Filed: SEPTEMBER 23, 2004

Title: METHOD AND CONTROLLER FOR THE ADAPTIVE CONTROL OF AT LEAST ONE
COMPONENT OF A TECHNICAL PLANT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the
Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the
Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June
8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(f)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 500 (37 CFR 1.17(f)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

Office Action Response Under 37 CFR 1.111 (Identify the type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/22/2007 AWONDAF1 00000126 192179 10500922
01 FC:1452 500.00' DA

FEB 20 2007

PTO/SB/61 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

FEBRUARY 20, 2007

Date

JOHN P. MUSONE

Typed or printed name

44,961

Registration Number, if applicable

170 WOOD AVENUE, SOUTH

Address

407-736-6449

Telephone Number

ISELIN, NEW JERSEY 08830

Address

Enclosures:

☒ Fee Payment - The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 18-2179. I have enclosed a duplicate copy of this sheet.☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐ _____

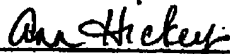
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

FEBRUARY 20, 2007

Date



Signature

ANN HICKEY

Typed or printed name of person signing certificate

FEB 20 2007


PTO/SB/81 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.



 Signature

FEBRUARY 20, 2007

Date

JOHN P. MUSONE

44,961

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicant never received the Office Action mailed July 26, 2006. Applicant's first notice of the Office Action was pursuant to a telephone call from the Examiner on January 30, 2007, inquiring if Applicant intended to abandon the application.

Immediately upon such notice, Applicants downloaded the Office Action from the offices' public PAIR system, and expediently prepared the herewith provided response.

The undersigned personally inquired into if Applicant's incoming mail office had received the Office Action pursuant to their normal course of procedure and was informed that, after investigating the matter, the incoming mail office had not received the Office Action.

Applicant would be willing to provide a Declaration from the appropriate mail office personnel to provide firsthand evidence of these facts, if necessary.

Applicant submits that:

- (1) the non receipt of the incoming Office Action was the cause of the delay at issue;
- (2) there was in place a business routine for performing the incoming mail clerical functions that could reasonably be relied upon to avoid errors in their performance; and
- (3) the mail office employees are sufficiently trained and experienced with regard to the function and routine for their performance that reliance upon such employees represented the exercise of due care.

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]